

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

MARICEL FORTEZA,

Plaintiff,

v.

PELICAN INVESTMENT HOLDINGS  
GROUP, LLC DBA AAP AND AUTO  
SERVICE DEPARTMENT, US DEALER  
SERVICES, INC. DBA US AUTO,  
PALMER ADMINISTRATIVE  
SERVICES, INC., SING FOR SERVICE,  
LLC DBA MEPCO

Defendants.

Case No. 4:23-CV-00401-ALM-BD

**JURY TRIAL DEMANDED**

**REQUEST FOR CLERK'S ENTRY OF DEFAULT  
AGAINST DEFENDANT US DEALER SERVICES, INC. DBA US AUTO**

COMES NOW Plaintiff Maricel Forteza, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Motion for Clerk's Entry of Default against Defendant US Dealer Services, Inc., d/b/a US Auto in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff's claims in this action within the time permitted by law or otherwise. Federal Rule of Civil Procedure 12(a), entitled "Time to Serve a Responsive Pleading," provides in pertinent part that "[a] defendant must serve an answer within 21 days after being served with the summons and complaint." FED. R. CIV. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled "Entering a Default," provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party's default." FED. R. CIV. P. 55(a).

Here, the Plaintiff filed the Complaint naming Defendant on April 25, 2023. (See ECF No. 1.) Defendant was served with the Summons and Complaint on January 5, 2024. (See ECF

No. 43.) Accordingly, Defendant's responsive pleading was due on January 26, 2024. Defendant did not file a response as of April 28, 2025. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

The Plaintiff intends to file a Motion for Default Judgment promptly after the Entry of Default is entered.

### **CONCLUSION**

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this April 28, 2025.

/s/ Andrew Roman Perrong  
Andrew Roman Perrong, Esq.  
Perrong Law LLC  
2657 Mount Carmel Avenue  
Glenside, Pennsylvania 19038  
Phone: 215-225-5529 (CALL-LAW)  
Facsimile: 888-329-0305  
a@perronglaw.com

### **CERTIFICATE OF SERVICE**

I certify that I filed the foregoing via ECF on the below date, which will automatically send a copy to all attorneys of record on the case.

I further certify that I mailed a copy of the foregoing to:

US Dealer Services, Inc.  
7777 Greenback Lane, Suite 107  
Citrus Heights, CA 95610  
Tracking Number: 00310903331480013053

Dated: April 28, 2025

/s/ Andrew Roman Perrong  
Andrew Roman Perrong